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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,235	10/29/1999	ERIC C. ANDERSON	P153CIP/495C	6962
29141	7590	06/16/2004	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	3

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,235

Applicant(s)

ANDERSON ET AL.

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☐ Claim(s) 1-3,5-12,14-21,23,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 4,13,22,24 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the Specification, page 3, line 20, the sentence "According to the system and method disclosed herein, the present invention" is not completed.

On page 6, line 2, "CPU 244" should be changed to --CPU344--.

On page 6, line 22, "line 366" is not shown in Figure 1.

On page 9, line 5, "(FIG. 8)" should be changed to --(FIG. 3)--.

On page 9, line 19, "if he boot-up time" should be changed to --if the boot-up time--.

On page 10, line 4, "into RAM" should be changed to --into DRAM--.

On page 10, line 9, "drivers 504" is not shown in Figure 5.

In the specification, reference character "518" and "540" have both used to designate "analysis module" on page 10 (lines 13, 15, 18), page 11 (lines 8-9, 9-10, 14, 19, 20), page 12 (lines 6, 11), page 13 (lines 5, 8, 9, 10-11, 20, 22), page 14 (lines 1-2, 7, 8-9, 12, 14). It is noted that FIG. 5 and FIG. 6 disclose "analysis module 540".

Appropriate correction is required.

Drawings

2. The drawings are objected to because of the following informalities:

In FIG. 5, “drivers” should be designated with character “504”.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-28 are objected to because of the following informalities:

Claim 1 (line 2), “the steps of;” should be changed to --the steps of:--.

Claim 1 (line 6), claim 19 (line 7), “category list” should be changed to --image category list--.

Claim 6 (line 3), “i) setting” should be changed to --ii) setting--.

Claim 7 (line 2), “ii) providing” should be changed to --iii) providing--.

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Claim 8 (line 2), claim 17 (line 2), “the category list” should be changed to --the image category list--.

Claim 10 (line 2), “comprising;” should be changed to --comprising:--.

Claim 12 (line 1), claim 13 (line 1), “means synchronizing” should be changed to --means for synchronizing--.

Claim 19 (lines 2-3), “program instructions for;” should be changed to --comprising program instructions for:--.

Claim 24 (line 2), “instructions for;” should be changed to --instructions for:--.

Claim 24 (line 3), “i) setting” should be changed to --iii) setting--.

Claim 7 (line 2), “ii) providing” should be changed to --iv) providing--.

Claim 28 (line 2), “the steps of;” should be changed to --the steps of:--.

Claim 28 (line 5), “the image category list” should be changed to --the category list--.

Claim 28 (line 11), “storage device” should be changed to --storage media--.

Claim 28 (line 11), “on the storage device” should be changed to --on the storage media--.

Claim 28 (line 12), “the storage device” should be changed to --the storage media--.

Claims 2-9 are objected as being dependent on claim 1.

Claims 11-18 are objected as being dependent on claim 10.

Claims 20-27 are objected as being dependent on claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 (line 2) recites the limitation "the" in "the image categories". There is insufficient antecedent basis for this limitation in the claim.

Claims 15-16 are rejected as being dependent on claim 14.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-6, 8-12, 14-15, 17-21, 23, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,633,678) in view of Ezawa (US 2002/0071028).

Regarding claim 10, Parulski et al. discloses a system for enhancing performance of a high-capacity storage media (memory card 24, Figure 2, Column 5, Lines 8-31) in a digital imaging device (an electronic camera, Figure 2), comprising means for storing images on the

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storage media (memory card 24, Figure 2, Column 5, Lines 8-31), the images including tags (tag name, Figure 7, Column 7, Lines 45-65) for categorizing the images; means for generating an image category list from the tags in the images and storing the category list on the storage media the image category list including a default category (the list of tag name H111, H122, KIDS, F123, Figures 6-7, Column 7, Lines 23-65).

Parulski et al. fails to disclose means for accessing the image category list in order to display the images, wherein only the images belonging to the default category are displayed, thereby speeding access to, and display of, the images. However, Ezawa discloses an image display and recording apparatus, in which the default heading frame images are displayed as designated categories “a” through “j” in Figure 21. When the default category ‘a’ is selected, only images in this category are displayed as shown in Figure 22, Sections [0086], [0087], [0093]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Parulski et al. by the teaching of Ezawa in order to provide an image display and recording apparatus in which the image category operation ability is improved (Page 1, Section [0008]).

Regarding claim 11, Parulski et al. discloses means for synchronizing the image category list with the images on the storage media when it has been determined that at least one image was deleted, added, or recategorized (page 5, Section [0088]).

Regarding claim 12, Parulski et al. discloses the means for synchronizing automatically synchronizing the image category list when the storage media is under control of the digital imaging device (page 5, Section [0088]).

Regarding claims 14-15, Parulski et al. and Ezawa do not disclose means for generating dynamic categories and means for setting thresholds for the date to automatically create the dynamic categories. However, Parulski et al. discloses date can be overlaid in the images of each category. It would have been obvious to use date as category information to categorize images. This lets the user has many choices to recognize images.

Regarding claim 17, Ezawa discloses means for allowing a user to select a category in the category list to change which images are being displayed (Page 6, Section [0093]).

Regarding claim 18, Ezawa discloses means for allowing the user to change the default category (Page 6, Section [0093]).

Regarding claims 1-3, 5-6, 8-9, claims 1-3, 5-6, 8-9, are method claims of apparatus claims 10-12, 14-15, 17-18, respectively. Therefore, see Examiner's comments regarding claims 10-12, 14-15, 17-18, respectively.

Claims 19-21, 23, 26-27 are considered equivalent to claims 1-3, 5, 8-9, respectively. Therefore, see Examiner's comments regarding claims 1-3, 5, 8-9.

8. Claims 7, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,633,678) in view of Ezawa (US 2002/0071028) further in view of Anderson (US 6,538,698).

Regarding claims 7, 16, Parulski et al. and Ezawa do not disclose the dynamic categories include a recent category that displays N of latest images captured. However, Anderson discloses in a camera, for reviewing images, the most recently taken images are usually the ones displayed (Column 1, Lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Parulski et al. and Ezawa in order to reduce time in finding a desired image.

Allowable Subject Matter

9. Claim 28 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 28, the prior art of the record fails to show or fairly suggest a method for enhancing performance of a high-capacity storage media in a digital imaging device, comprising the steps of requesting the user to initiate a synchronization of the image category list with the images on the storage media when it has been determined that images on the storage media were deleted, added, or recategorized while the storage media under control of an external device.

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10. Claims 4, 13, 22, 24-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4, 13, 22, the prior art of the record fails to show or fairly suggest a method for enhancing performance of a high-capacity storage media in a digital imaging device, comprising the steps of performing a subsequent synchronization of the image category list after it has been determined that at least one image was deleted, added, or recategorized when the storage media was under control of an external device.

Claims 24-25 are allowable for the reason given respect to claim 22.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hatori (US 2002/0149676) discloses digital camera control apparatus.

Krellenstein (US 5,924,090) discloses method and apparatus for searching a database of records.

Dellert et al. (US 6,154,755) discloses index imaging system.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
6/13/2004

Luong T. Nguyen

**LUONG T. NGUYEN
PATENT EXAMINER**